

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>No. CR 1:18-03495-001 JCH</b>
	)	
<b>vs.</b>	)	
	)	
<b>DOUGLAS D. SMITH,</b>	)	
	)	
<b>Defendant.</b>	)	

**RESPONSE TO GOVERNMENT'S  
MOTION FOR A *LAFLER-FRYE* HEARING (Doc. # 63)**

Douglas Smith, Defendant, through counsel, Aric G. Elsenheimer and Amanda R. Lavin, Assistant Federal Public Defenders, respectfully does not oppose the government's motion to conduct a *Lafler/Frye* hearing (Doc. # 63).

Counsel does not oppose a hearing held in the fashion outlined in the Government's Motion for a *Lafler-Frye* hearing to the extent it does not reveal any privileged attorney-client communications.

Wherefore, Mr. Smith, by and through undersigned counsel,  
respectfully does not oppose the Government's proposed Lafler-Frye  
hearing.

**FEDERAL PUBLIC DEFENDER**

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*Electronically filed July 29, 2020*

/s/ Amanda R. Lavin

/s/ Aric G. Elsenheimer

Assistant Federal Public Defenders  
Counsel for Defendant